

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended)

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	2025/44/90437/W
Site Address:	Kingsgate Centre, Store 1, King Street, Huddersfield, HD1 2QB
Description:	Discharge of details reserved by condition 7 (Cooking Odour Impact Assessment) on previous permission 2019/92693 for variation condition 2 (Plans) of previous permission 2018/93568 for change of use of existing unit in a mixed class A1/A2/A3 retail development to form a mixed A1/A2/A3/A4/D2 retail and leisure development, internal alterations and reconstruction of upper level, with external slide and formation of roof terrace for use as a sky bar
Recommending Officer:	Farzana Tabasum

DECISION – Discharge of Condition – Approve

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

Nick Hirst

AUTHORISED OFFICER

Date: 12-May-2025

Application: 2025/90437

Site: Kingsgate Centre, Store 1, King Street, Huddersfield, HD1 2QB

Proposals: Discharge of details reserved by condition 7 (Cooking Odour Impact Assessment) on previous permission 2019/92693 for variation condition 2 (Plans) of previous permission 2018/93568 for change of use of existing unit in a mixed class A1/A2/A3 retail development to form a mixed A1/A2/A3/A4/D2 retail and leisure development, internal alterations and reconstruction of upper level, with external slide and formation of roof terrace for use as a sky bar

Assessment

Condition 7 (Cooking Odour Impact Assessment)

7. Prior to the hereby approved A3/A4 use(s) being brought into use, a Cooking Odour Impact Assessment shall be submitted to, and approved in writing by, the Local Planning Authority. The assessment shall include details of the proposed cooking activities at the development and the installation and/or erection of any extract ventilation system that will be provided for these cooking activities. It shall include details of the methods of treatments of emissions and filters to remove odours and the measures to control noise emissions. The works specified in the approved scheme shall be installed and be operational before the A3/A4 use(s) are brought into use. The approved extraction equipment shall be retained thereafter and operated at all times when the food cooking is being carried out and maintained in accordance with the manufacturer's instructions.

Reason: *To ensure the proposed development does not cause harmful odour pollution within either a public area or neighbouring business, in the interest of amenity, to comply with the aims and objectives of Policies LP24 and LP52 of the Kirklees Local Plan and Chapters 12 and 15 of the National Planning Policy Framework.*

The application is accompanied by a Cooking Odour Impact Assessment by Redmore Environmental, Ref:9017RI, dated the 5th of February 2025.

The submitted details have been reviewed by K.C. Environmental Health, who have noted the following in their consultation response dated 10/03/2025:

- Identifies a high risk of odour production from the various cooking processes involved at the premises,
- Includes details of an extraction system that includes a canopy, grease separator, UV treatment system and ducting to an external roof extract onto Zetland Street, and

- Recommends cleaning and maintenance of the equipment and daily cleaning and maintenance of the UV light system, in accordance with the details set out in the assessment

In their consultation response, K.C. Environmental Health conclude that the submitted details are acceptable and may be approved.

Officers support this assessment and recommend that the details be approved. However, it is noted by officers and K.C. Environmental Health that the condition has ongoing requirements that prevent a full discharge. A note stipulating this ongoing requirement is recommended to be included on the decision notice.

Further to the above, K.C. Environmental Health have requested a note requiring their wider powers under Sections 80 of the Environmental Protection Act 1990 be imposed. This is considered acceptable to officers.

Recommendation: Approve details

Report Date: 06/05/2025

Recommended Decision Text

Condition 7 (Cooking Odour Impact Assessment)

You have submitted the Cooking Odour Impact Assessment by Redmore Environmental, Ref:9017RI, dated the 5th of February 2025, pursuant to condition 7.

I can confirm that the submitted details are acceptable, for the initial requirement of condition 7, and are hereby approved.

Notwithstanding the above, you are reminded that condition 7 has the below ongoing requirements, which must be adhered to, to ensure ongoing compliance with the condition:

The works specified in the approved scheme shall be installed and be operational before the A3/A4 use(s) are brought into use. The approved extraction equipment shall be retained thereafter and operated at all times when the food cooking is being carried out and maintained in accordance with the manufacturer's instructions.

Further to the above, the council's Environmental Health department have requested that the following be noted:

The applicant is reminded that thorough daily cleaning of the system is required to achieve the correct performance. Kirklees Council have additional powers under Sections 80 of the Environmental Protection Act 1990 to prevent statutory nuisance including dust, smoke/odour and must serve an abatement notice when it is satisfied that a statutory

nuisance exists or is likely to occur or recur. Failure to comply with a notice served using the above-mentioned legislation would be an offence for which the maximum fine on summary conviction is unlimited.